

REMARKS

This is to acknowledge that certain claims were allowed in the above identified Office Action. In this regard, however, Applicants have decided to amend independent Claim 1 to add the limitations of a separating means being disposed of in the upper unit and the fact that when the upper unit is opened, a document conveying path provided with the separating means is opened. Applicants believe that these amendments to allowed Claim 1 do not impact the patentability of the previously allowed subject matter of Claim 1.

With respect to the rejected claims in this Office Action, Applicants have entered certain amendments, and by this response Applicants have presented new claims 36-38. Claim 8 has been amended to recite the feature of an actuating member being moved by the attachment and detachment of the reading unit and the opening and closing of the operating unit, such that the actuation turns the sensor on and off. Claim 16 as amended now recites that when the separating means is open, it is retreated from above the image recording section and forms a space.

To summarize, claims 1-3, 5-18, and 22-38 are pending in this application. Claims 36-38 have been added to provide Applicants with a more complete scope of protection. Support for the additional claims may be found at least on pages 50-53 and 100-103 of the specification. Claims 1, 8, 16, 22, 29, and 34 are in independent form. Favorable consideration or reconsideration, as the case may be is requested. Claims 8 and 9 were rejected as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,342,956 (*Hasegawa et al.*). Claims 10-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hasegawa et al.* in view of various combinations of U.S. Patent No. 4,847,654 (*Honma et al.*), U.S. Patent No.

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5,452,098 (*Sato et al.*), and U.S. Patent No. 6,011,634 (*Aihara et al.*). Claims 16-21, were rejected as unpatentable over U.S. Patent No. 5,637,070 (*Sasai et al.*) in view of U.S. Patent No. 5,315,397 (*Inoue et al.*) and U.S. Patent No. 5,966,569 (*Haneda*).

Claim 8 as amended is an image reading device, comprising an operating unit that is openable/closable to a device body and having a guide member for guiding and conveying a document. It contains a reading unit having reading means disposed opposite to the guide member for reading an image of the document, and being attachable to and detachable from the device body. The detecting means are used for detecting the opening/closing of the operating unit and the attachment/detachment of the reading unit to the device body. Wherein the detecting means comprises a sensor disposed of in the operating unit and an actuating member movably disposed of in the operating unit. The actuating member is moved by the attachment/detachment of the reading unit and the opening/closing of the operating unit to turn on and off the sensor.

Claim 8 is characterized by the fact that the actuating member is moved by the attachment and detachment of the reading unit and the opening and closing of the operating unit to turn on and off the sensor.

Applicants contend that *Hasegawa et al.* merely discloses the sensing or detection of the opening and closing of the indication unit 403 (Col. 33, Lines 20-33) and the detection of the installation of the scanner head 200 (Col. 37, lines 7-8). *Hasegawa et al.* does not disclose that the sensor is turned on and off by the motion of the actuating member when it is moved by the attachment and detachment of the reading unit or the opening and closing of the operating unit. Therefore the detection of the opening and closing of the indication unit of *Hasegawa et al.* does not relate to the detection of the opening and closing of the operating unit of the invention.

Furthermore, the indication unit 403 of *Hasegawa et al.* does not correlate to the operating unit of the present invention because the operating unit of the present invention has a "guide member for guiding and conveying a document." In contrast, the indication unit 403 of *Hasegawa et al.* does not have any guide member for guiding a sheet as is apparent from figure 30.

Claim 16 as currently amended is an image reading device, made up of a recording section having recording means for recording an image on a sheet in accordance with image information, a reading section having reading means for reading a document, separating means for separating the document sheet by sheet to feed the document to the reading means, and a device body to which the recording section and the reading section are attached. The separating means of the reading section is disposed above the recording means and the separating means can open by rotating from a front side toward a rear side of the device body centering on a rotating shaft disposed on the rear side of the device body. When the separating means is opened, the separating means is rotated to form a space portion above the recording section.

In amended Claim 16 the separating means for separating a document to be read by the reading section is disposed above the recording means. This location of the separation means allows for a reduction in size of the apparatus, allows for improved maintenance in the recording section, and improves operability on the clearing of jammed recording sheets. Furthermore, the separating means can rotate from a front side toward a rear side of the device body centering on a rotating shaft disposed on the rear side of the device body. When the separating means are opened the separating means are rotated to form a space portion above the recording section. This configuration and construction makes it possible to perform maintenance and the like on the recording section through the space portion formed above the recording

section. As the separating means are rotated about the rotating shaft located on the rear side of the device body, they end up being positioned on the rear side of the overall device body. As a result, when a user performs maintenance or the like on the recording section from the front side of the device body, the separating means do not hamper the user since the separating means have been repositioned thereby improving operability.

*Sasai* discloses a printer in which the reading section is juxtaposed with the recording section. The present invention is distinguishable over the positioning in *Sasai*, because when the separating means for separating the documents of the present invention is disposed the reading section is positioned above the recording section. Furthermore, *Sasai* fails to disclose that when the separating means are moved, a space is formed above the recording section or that the space aids in maintenance and the like.

*Inoue* discloses that a separation pad M223, a conveying roller M225, a reading platen roller M227, etc. are rotated as a unit about a shaft M128. *Inoue* however does not disclose that the separating means can be moved to form a space portion above the recording section nor does it disclose that the means for separating the document is disposed above the recording section. Furthermore, *Inoue* makes it apparent that a printer M200 for recording an image and a scanner unit M13 provided with the separation pad M223 for separating the documents are discrete and separate units.

Applicants submit that neither *Hasegawa et al.* nor the proposed combination of *Sasai* and *Inoue et al.*, assuming such combination would even be permissible, would teach or suggest to one skilled in the art the image recording device of the present invention.

A review of the other art of record including, *Ara et al.*, *Aihara et al.*, *Haneda*,

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*Hiroi et al.*, *Honma et al.*, and *Shimura et al.*, has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

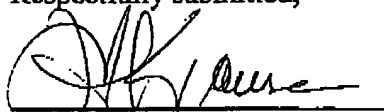
The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below:

Respectfully submitted,



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